

House Engrossed Senate Bill

FILED

MICHELE REAGAN
SECRETARY OF STATE

State of Arizona
Senate
Fifty-third Legislature
First Regular Session
2017

CHAPTER 177
SENATE BILL 1216

AN ACT

AMENDING SECTION 41-1830.51, ARIZONA REVISED STATUTES; RELATING TO TOWING
FIRMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 41-1830.51, Arizona Revised Statutes, is amended to read:

41-1830.51. Vehicle towing; rules; contractual agreement for towing services; weight exemption; definition

A. If a vehicle is towing another vehicle, the drawbar or other connection shall be of sufficient strength to pull all weight towed by the vehicle and the drawbar or other connection shall not exceed fifteen feet from one vehicle to the other, except the connection between any two vehicles transporting poles, pipe, machinery or other objects of a structural nature that cannot readily be dismembered. For the purposes of this subsection, "drawbar" means a rigid structure that connects a trailer and a towing vehicle and that articulates at the point of connection with the trailer and articulates at the point of connection with the towing vehicle.

B. If a vehicle is towing another vehicle and the connection consists of a chain, rope or cable, a white flag or cloth at least twelve inches square shall be displayed on the connection.

C. The director shall:

1. Adopt and enforce rules that are not inconsistent with this article to govern the design and operation of all tow trucks.

2. Adopt guidelines to protect consumers against being overcharged for towing services. The guidelines shall specify that a larger class of tow vehicle used for lighter tows must be billed at the lighter duty towing service rates.

D. A person may not operate a tow truck for the purpose of towing vehicles without first registering with the director, and obtaining a permit pursuant to the rules that govern tow trucks and that are adopted by the department.

E. The director or a county, city or town may enter into a contractual agreement with a towing firm or firms for towing or storage services, or both. At the time of application for a contractual agreement, a towing firm must disclose in writing the owners of the towing firm and, if the owners own other towing firms that are also applying for the same contractual agreement, the names of those towing firms. The contractual agreement shall comply with this section and all rules adopted under this section. Contracts shall be awarded on the basis of competitive bidding. The director or a county, city or town shall reserve the right to reject all bids. If only one bid is received, the director or a county, city or town may reject the bid and negotiate a contract without bidding if the negotiated contract is at a price lower than the bid price under the terms and conditions specified in the call for bids.

F. Except as provided in subsection G of this section, a towing firm may only have one contractual agreement per geographic towing area with the department or a county, city or town for towing or storage

1 services, or both. If an owner of a towing firm has a common ownership
2 interest in another towing firm or the assets, OR SHARED USE OF THE
3 ASSETS, of another towing firm, the owner may not participate in any other
4 application for a contractual agreement within the same geographic towing
5 area FOR THAT APPLICATION. THE DEPARTMENT OR A COUNTY, CITY OR TOWN MUST
6 DETERMINE THAT EACH TOWING FIRM IS IN COMPLIANCE WITH THIS SUBSECTION.
7 THE DIRECTOR OR A COUNTY, CITY OR TOWN MUST REVIEW ANY COMPLAINTS THAT ARE
8 SUBMITTED WITH SUPPORTING DOCUMENTATION AND THAT ALLEGE A VIOLATION OF
9 THIS SUBSECTION.

10 G. If a towing firm that has a contractual agreement pursuant to
11 this section acquires another towing firm that has a contractual agreement
12 pursuant to this section, both contractual agreements remain valid for one
13 year after the date of the acquisition or until the end of the contractual
14 agreement, whichever is shorter.

15 H. Notwithstanding subsection F of this section, an agency may
16 allow a towing firm to use resources from another towing firm if an agency
17 deems the use of those resources is necessary for traffic incident
18 management.

19 I. The total weight of a tow truck and the towed vehicle is exempt
20 from the maximum total gross weight load allowed under section 28-1100 if
21 a damaged, disabled or abandoned vehicle or vehicle combination is towed.

22 J. FOR THE PURPOSES OF THIS SECTION, "ASSET" MEANS ANY PROPERTY
23 THAT HAS A VALUE, INCLUDING FINANCIAL, INTANGIBLE AND PHYSICAL ASSETS, AND
24 INCLUDES:

- 25 1. VEHICLES.
- 26 2. EQUIPMENT.
- 27 3. STOCK.
- 28 4. A MEMBERSHIP IN A LIMITED LIABILITY COMPANY.
- 29 5. A PARTNERSHIP INTEREST.
- 30 6. A BENEFICIAL INTEREST IN A TRUST OR ANOTHER LIKE ITEM.

31 K. IF TOWING COMPANIES SHARE ANY EMPLOYEES OR STAFF, THE COMPANIES
32 SHALL BE CONSIDERED AS ONE COMPANY FOR THE PURPOSES OF THE ROTATION LIST
33 IN THAT GEOGRAPHICALLY CONTRACTED TOWING AREA.

APPROVED BY THE GOVERNOR APRIL 21, 2017.

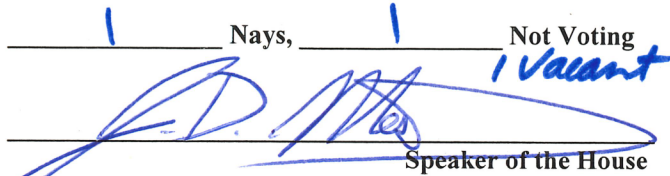
FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 21, 2017.

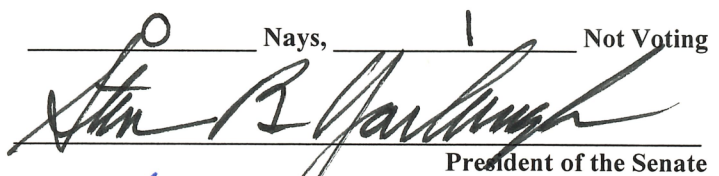
Passed the House April 17, 20 17,

Passed the Senate February 20, 20 17,

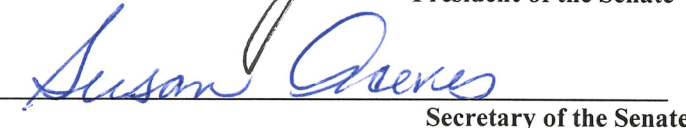
by the following vote: 57 Ayes,

by the following vote: 29 Ayes,

1 Nays, 1 Not Voting
1 Vacant

Speaker of the House

0 Nays, 1 Not Voting

President of the Senate


Chief Clerk of the House


Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1216

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 18, 20 17

by the following vote: 28 Ayes,

0 Nays, 2 Not Voting

Stuart P. York
President of the Senate

Susan Aenes
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

18 day of April, 20 17

at 12:19 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 21st day of

April, 2017

at 9:35 o'clock A. M.

Janice I. Ivey
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 21 day of April, 20 17

at 2:40 o'clock P. M.

Michelle Reagan
Secretary of State

S.B. 1216